

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11-5-12

JERMAINE E. WINKFIELD,

Plaintiff,

11 Civ. 983 (RA)

JUDGE ABRAMS

-against-

AFFIRMATION IN OPPOSITION  
OF DEFENDANT'S MOTION TO DISMISS

PARKCHESTER SOUTH CONDOMINIUM,  
INC.; International Brotherhood of Teamsters, Local 808  
Defendants,

I, Jermaine Winkfield, **affirm under penalty of perjury** that:

1. I, Jermaine Winkfield, am the plaintiff in the above entitled action, and respectfully submit this affirmation in opposition to the motion dated October 1, 2012, made by James F. Wallington on behalf of the Defendant Local 808, asking that the court order the following relief to dismiss the complaint against Defendant Local 808.
2. I have personal knowledge of facts which bear on this motion because I previously submitted documentation [Document 2 Section A-M Sub. July 7, 2011] that prove the Defendant's were aware of the discrimination committed by middle management and the HR Director Mr. Butler and Union Representatives have attempted to cover it up by having me sign [Document 24 Page 1 submitted 8/20/11] under duress without opportunity to seek counsel. The documentation submitted proves that there was in fact discrimination that occurred on the behalf of middle management. The discrimination was then covered up by the Human Resources Director and the Representatives of my

former Local 808 Union. The documentation I submitted as well as the documentation submitted by the Director of HR on behalf of Defendants Local 808 Union and Parkchester, has great discrepancies between them and if reviewed the information needed to prove the fault of the Defendants would be clear. The Plaintiff did not willingly resign as the Defendant's state, but did so under duress and unlawful practices of discrimination, confirming the claim under Title VII, NYSHRL and NYCHRL of race discrimination in fact occurred. The Defendant's allege that I did not submit the claims on a timely manor; however, I following the Federal Rules of the EEOC findings filed at the times they instructed me to do so. There were 2 open claims with the EEOC, and was told when to file on each claim, and did so. The Defendant's repeatedly attempt to dodge the complaint against them, instead of addressing the fact that they have submitted unlawful and altered documentation to support their case. The Defendant's Local 808 Union may be inclined to review the documentation submitted on their behalf by the Director of Human Resources Andre Butler, as there are numerous discrepancies in the documentation showing the attempted concealment of events by the Union Representatives and Parkchester Management.

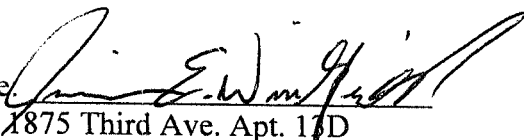
3. The motion should be denied because evidence I submitted on July 7, 2011 and August 20, 2011 by the Defendant's did not have the opportunity to be reviewed in conference with the Court, Plaintiff and the Defendant's counsel. The Plaintiff request a conference with the Honorable Judge Ronnie Abrams and the Defendant's in order to review the documentation submitted on July 7, 2011 and August 8, 2011 in order to come to a

judgment. The Plaintiff requests the Courts' assistance in seeking compensation for pain and suffering.

4. In view of the foregoing, it is respectfully submitted that the motion should be denied.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: New York, NY  
October 30, 2012

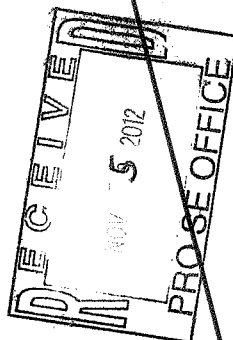
Signature: 

Address: 1875 Third Ave. Apt. 17D  
NY, NY 10029  
(347) 759-2272

From: Jermaine E. Winkfield  
1875 3rd Ave.  
New York, NY 10029  
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